

REMARKS

Claims 1-4, 7-9 and 11-23 were pending and rejected in an Office Action dated November 14, 2008. In response, claim 13 is canceled and claim 24 is added. Claims 1-4, 7-9, 11-12, and 14-24 are pending upon entry of this amendment. These changes are believed not to introduce new matter, and their entry is respectfully requested. In view of the Amendments herein and the Remarks that follow, Applicant respectfully requests that Examiner reconsider all outstanding rejections, and withdraw them.

Response to Rejections Under 35 USC § 103

In the Office Action, the Examiner rejected claims 1-4, 7-9, and 11-23 as being obvious under 35 USC § 103. Claims 1-3, 7-9, and 11-23 were rejected in view of U.S. Patent Publication No. 2004/0221062 (“Starbuck”) and U.S. Patent No. 5,751,847 (“Wuyts”). Claim 4 was rejected in view of Starbuck, Wuyts, and U.S. Patent Publication No. 2002/0113801 (“Reavy”). These rejections are respectfully traversed.

Starbuck does not qualify as prior art under 35 USC § 102(e) because the claimed subject matter was actually reduced to practice before Starbuck’s filing date of May 2, 2003. To antedate Starbuck, Applicant submits herewith a declaration and supporting exhibits pursuant to 35 CFR § 1.131. See, e.g., MPEP 715.07.III. Since all of the claim rejections under 35 USC § 103 in the Office Action depend on Starbuck, the rejections of all of the claims are overcome.

Applicant is adding new claim 24. Applicant asserts that this claim is supported by the specification and is not anticipated or obvious in view of any of the references

cited above.

Applicant respectfully invites Examiner to contact Applicant's representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
SHAUN P. COOLEY

Date: March 4, 2009

By: /Nikhil Iyengar/

Nikhil Iyengar, Attorney of Record
Registration No. 60,910
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (415) 875-2367
Fax: (650) 938-5200